

D/F

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CURTIS WRIGHT,

Plaintiff,

-against-

THE CITY OF NEW YORK AND WILFREDO CRUZ,
MICHAEL DUNPHY, ANDREW PENDERGRASS,
JOHN RAFFERTY,

Defendants.

**STIPULATION AND ORDER
OF SETTLEMENT AND
DISCONTINUANCE**

05 Civ. 0128 (NGG)(SMG)

FILEDIN CLERK'S OFFICE
U.S. DISTRICT COURT, E.D.N.Y.

★ JUL 26 2005 ★

BROOKLYN OFFICE

WHEREAS, plaintiff Curtis Wright commenced this action, by filing a complaint on or about January 10, 2005 and an Amended Complaint on or about May 19, 2005 alleging that certain of his federal and state rights were violated; and

WHEREAS, defendants have denied any and all liability arising out of plaintiff's allegations; and

WHEREAS, plaintiff and defendants now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

WHEREAS, no party herein is an infant or incompetent for whom a committee has been appointed; and

WHEREAS, plaintiff have authorized counsel to settle this matter as against defendants on the terms enumerated below:

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed as against defendant the City of New York, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. The City of New York hereby agrees to pay plaintiffs the sum of Forty Thousand Dollars (\$40,000) in full satisfaction of all claims as against defendants, including claims for costs, expenses and attorney fees. In consideration for the payment of this sum, plaintiff agree to dismissal of all the claims against defendants, and to release defendants, any present or former employees or agents of the New York City Police Department and the City of New York, from any and all liability, claims, or rights of action arising from and contained in the complaint in this action, including claims for costs, expenses and attorney fees.

3. Plaintiff shall execute and deliver to the defendants' attorney all documents necessary to effect this settlement, including, without limitation, releases based on the terms of paragraph "2" above, and Affidavits of No Liens on behalf of plaintiff Curtis Wright.

4. Other than as set forth in paragraph "2" above, plaintiff and his counsel, or any party in privity with either of them, shall have no recovery for any damages, injury, equitable or other relief, or fees or costs in connection therewith.

5. Nothing contained herein shall be deemed to be an admission by defendants that they have in any manner or way violated plaintiffs' rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

6. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York.

7. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
~~June~~, 2005
July 14

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By: Brett Klein
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By: Julinda Dawkins
JULINDA DAWKINS (JD 2831)
Assistant Corporation Counsel

SO ORDERED:

Julinda Dawkins
U.S.D.J.
July 21, 2005